

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 351

Introduced by Senator Soto

February 16, 2005

An act to ~~add Section 36623.1 to~~ *amend Section 36621 of the Streets and Highways Code, relating to improvement districts.*

LEGISLATIVE COUNSEL'S DIGEST

SB 351, as amended, Soto. Property and business improvement districts.

The Property and Business Improvement District Law of 1994 authorizes a city or county to establish a property and business improvement district and to levy assessments on certain property or business owners for the purpose of providing improvements and promoting activities of benefit to the property or business owners.

~~This bill would require a member of a legislative body establishing a property and business improvement district, if the member also owns property or a business that would be subject to an assessment, to elect to either participate in the vote of the body to establish the district and the associated assessment, or in the process for a property or business owner to petition the legislative body for establishment of the district and to vote on the assessment, but would prohibit that person from participating in both of those processes~~ *require a written petition of at least that number of property and business owners who collectively amount to 50% of the total number of property and business owners in the proposed district and who also will collectively pay more than 50% of the total assessments to be levied before the city or county could form the district.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 36623.1 is added to the Streets and~~
2 ~~Highways Code, to read:~~

3 ~~SECTION 1. Section 36621 of the Streets and Highways Code~~
4 ~~is amended to read:~~

5 36621. (a) Upon the submission of a written petition, signed
6 by *at least that number of property or business owners who*
7 *collectively amount to 50 percent of the total number of property*
8 or business owners in the proposed district *and who also will*
9 *collectively* pay more than 50 percent of the assessments
10 proposed to be levied, the city council may initiate proceedings
11 to form a district by the adoption of a resolution expressing its
12 intention to form a district. The amount of assessment
13 attributable to property or a business owned by the same property
14 or business owner that is in excess of 40 percent of the amount of
15 all assessments proposed to be levied, shall not be included in
16 determining whether the petition is signed by property or
17 business owners who will pay more than 50 percent of the total
18 amount of assessments proposed to be levied.

19 (b) The petition of property or business owners required under
20 subdivision (a) shall include a summary of the management
21 district plan. That summary shall include all of the following:

22 (1) A map showing the boundaries of the district.

23 (2) Information specifying where the complete management
24 district plan can be obtained.

25 (3) Information specifying that the complete management
26 district plan shall be furnished upon request.

27 (c) The resolution of intention described in subdivision (a)
28 shall contain all of the following:

29 (1) A brief description of the proposed activities and
30 improvements, the amount of the proposed assessment, a
31 statement as to whether the assessment will be levied on property
32 or businesses within the district, a statement as to whether bonds
33 will be issued, and a description of the exterior boundaries of the
34 proposed district. The descriptions and statements do not need to
35 be detailed and shall be sufficient if they enable an owner to
36 generally identify the nature and extent of the improvements and
37 activities and the location and extent of the proposed district.

1 (2) A time and place for a public hearing on the establishment
2 of the property and business improvement district and the levy of
3 assessments, which shall be consistent with the requirements of
4 Section 36623.

5 ~~36623.1. Notwithstanding any other provision of law, a~~
6 ~~member of a legislative body establishing a property and~~
7 ~~business improvement district, if the member also owns property~~
8 ~~or a business that would be subject to a proposed assessment~~
9 ~~authorized by this chapter, shall elect to either participate in the~~
10 ~~vote of the body to establish the district and the associated~~
11 ~~assessment, or in the process established by this chapter for a~~
12 ~~property or business owner to petition the legislative body and to~~
13 ~~vote on the assessment, but may not participate in both of those~~
14 ~~decision processes.~~